

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

DYSON TECHNOLOGY LIMITED	)	
and DYSON, INC.,	)	
Plaintiffs,	)	
v.	)	Civil Action No. 05-434 GMS
	)	
MAYTAG CORPORATION,	)	
Defendant.	)	
	)	

**DEFENDANT HOOVER, INC.'S MOTION *IN LIMINE* TO EXCLUDE  
THE EXPERT TESTIMONY OF PLAINTIFFS' WITNESS  
JAMES WIDDOWSON AND STRIKE HIS EXPERT REPORT UNDER *DAUBERT***

NOW COMES Defendant/Counterclaim Plaintiff Hoover, Inc.<sup>1</sup> ("Hoover"), through its undersigned counsel, respectfully moves this Court for an order excluding the expert testimony and striking the expert report of James Widdowson, an expert witness for Plaintiffs/Counterclaim Defendants Dyson Technology Ltd. and Dyson, Inc. (collectively "Dyson").

In support of this motion, Hoover respectfully refers the Court to Hoover's Memorandum of Law in Support of Its Motion *in Limine* to Exclude the Expert Testimony of Plaintiffs' Witness James Widdowson and Strike His Expert Report Under *Daubert*, the supporting affidavit of Kari M. Rollins and exhibits attached thereto, the paper and records on file in this action, and any evidence and argument that may be heard on this motion. A form of Order implementing the relief sought by this motion is attached hereto.

---

<sup>1</sup> Subsequent to the filing of the complaint and counterclaims in this case, substantially all of the assets and liabilities of The Hoover Company, which was operated as a division of The Maytag Corporation at the time of suit, were sold to a newly formed corporation called "Hoover, Inc." and to entities owned by Hoover, Inc., including Hoover General LLC, Hoover Limited LLC and Hoover Partnership L.P. On March 13, 2007, Hoover filed a motion seeking leave to join these additional entities to whom its interest in the floor care business (along with the interest of its subsidiaries) was transferred, effective January 31, 2007.

Dated: April 16, 2007

Respectfully submitted,

HOOVER, INC.

/s/ Francis DiGiovanni

Francis DiGiovanni (#3189)  
James D. Heisman (#2746)  
Connolly Bove Lodge & Hutz LLP  
The Nemours Building  
1007 N. Orange Street  
Wilmington, DE 19899  
Phone (302) 658-9141  
Fax (302) 658-5614

Kimball R. Anderson  
Stephen P. Durchslag  
Winston & Strawn LLP  
35 West Wacker Drive  
Chicago, IL 60601  
Phone (312) 558-5600  
Fax (312) 558-5700

Ray L. Weber  
Laura J. Gentilcore  
Renner, Kenner, Greive, Bobak,  
Taylor & Weber  
400 First National Tower  
Akron, OH 44308  
Phone (330) 376-1242  
Fax (330) 376-9646

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

DYSON TECHNOLOGY LIMITED	)	
and DYSON, INC.,	)	
Plaintiffs,	)	
v.	)	Civil Action No. 05-434 GMS
	)	
MAYTAG CORPORATION,	)	
Defendant.	)	
	)	

ORDER

IT IS SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2007, that the following is precluded: any expert testimony and evidence by Dyson's expert witness James Widdowson regarding the test results generated in accordance with IEC 60312, ASTM, and/or Dyson internal testing standards, and the conclusions related thereto.

\_\_\_\_\_  
United States District Judge

**CERTIFICATE OF SERVICE**

I, Francis DiGiovanni, hereby certify that on April 16, 2007, I caused to be electronically filed a true and correct copy of the foregoing document with the Clerk of the Court using CM/ECF, which will send notification that such filing is available for viewing and downloading to the following counsel of record:

C. Barr Flinn  
John W. Shaw  
Young Conaway Stargatt & Taylor LLP  
The Brandywine Building  
1000 West Street, 17th Floor  
Wilmington, Delaware 19801

I further certify that on April 16, 2007, I caused a copy of the foregoing document to be served by hand delivery and e-mail on the above-listed counsel of record, and by e-mail and first class mail on the following counsel of record:

Garrard R. Beeney  
Richard C. Pepperman, II  
James T. Williams  
Keith McKenna  
Sullivan & Cromwell LLP  
125 Broad Street  
New York, NY 10004

Steven F. Reich  
Jeffrey S. Edelstein  
Manatt, Phelps & Phillips, LLP  
7 Times Square  
New York, NY 10004

/s/ Francis DiGiovanni  
Francis DiGiovanni (#3189)